



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Kunio Hori, et al.	<b>Examiner:</b>	Unassigned
<b>Serial No.:</b>	09/995,100	<b>Art Unit:</b>	2877
<b>Filed:</b>	November 27, 2001	<b>Docket:</b>	15111
<b>For:</b>	METHOD FOR DETERMINING POLYMORPHISM	<b>Dated:</b>	February 27, 2004

**Confirmation No.:** 3176

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.


1. PCT International Publication No. WO 94/16313, published July 21, 1994;
2. Rigler R., "Fluorescence correlations, single molecule detection and large number screening Applications in biotechnology", *Journal of Biotechnology* 41:177-186 (1995);
3. Kinjo, M., et al., "Ultrasensitive hybridization analysis using fluorescence correlation spectroscopy", *Nucleic Acids Research* 23(10):1795-1799 (1995);

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 27, 2004.

Dated: February 27, 2004

  
Peter I. Bernstein



4. European Patent Application No. 0 731 173 A2, dated September 11, 1996;
5. PCT International Publication No. WO 97/21832, published June 19, 1997; and
6. PCT International Publication No. WO 00/49180, published August 24, 2000.

The references were cited in a Supplementary Search Report received from the European Patent Office, dated January 26, 2004. Applicants are submitting copies of the above-cited references, together with a copy of the Supplementary Search Report. The relevance of the above-identified references has been described in the Search Report. Copies of Reference Nos. 1 and 3 are not provided, as such references were previously filed in an Information Disclosure Statement dated November 27, 2001.

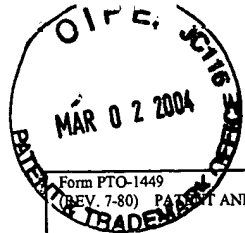
Applicants are also submitting herewith a Statement Pursuant to 37 C.F.R. §1.704(d). No fee is required.

Respectfully submitted,

Peter I. Bernstein  
Registration No. 43,497

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

PIB:dg



<b>Form PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE</b> <b>(REV. 7-80) PATENT AND TRADEMARK OFFICE</b>  <b>LIST OF PRIOR ART</b> <b>CITED BY APPLICANT</b>  <i>(Use several sheets if necessary)</i>	<b>Atty. Docket No. (Optional)</b>  15111	<b>Application Number</b>  09/995,100
	<b>Applicant(s)</b> Kunio Hori, et al.	
	<b>Filing Date</b> November 27, 2001	<b>Group Art Unit</b> 2877

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		WO 94/16313	7/21/94	PCT				
	✓	0 731 173 A2	9/11/96	Europe				
	✓	WO 97/21832 ✓	6/19/97	PCT				
	✓	WO 00/49180	8/24/00	PCT				

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		Rigler R., "Fluorescence correlations, single molecule detection and large number screening Applications in biotechnology", <i>Journal of Biotechnology</i> 41:177-186 (1995)
		Kinjo, M., et al., "Ultrasensitive hybridization analysis using fluorescence correlation spectroscopy", <i>Nucleic Acids Research</i> 23(10):1795-1799 (1995)

**EXAMINER****DATE CONSIDERED**

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Kunio Hori, et al.	<b>Examiner:</b>	Unassigned
<b>Serial No.:</b>	09/995,100	<b>Art Unit:</b>	2877
<b>Filed:</b>	November 27, 2001	<b>Docket:</b>	15111
<b>For:</b>	METHOD FOR DETERMINING POLYMORPHISM	<b>Dated:</b>	February 27, 2004

**Confirmation No.:** 3176

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT PURSUANT TO 37 C.F.R. §1.704(d)**

Sir:


I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 27, 2004.

Dated: February 27, 2004

  
Peter I. Bernstein



Therefore, the Information Disclosure Statement submitted herewith cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of 37 C.F.R. §1.704.

Respectfully submitted,

Peter I. Bernstein  
Registration No. 43,497

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

PIB:dg

*Image*

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

2877

Docket No.  
15111

In Re Application Of: Kunio Hori, et al.

Serial No.  
09/995,100

Filing Date  
November 27, 2001

Examiner  
Unassigned

Group Art Unit  
2877

Title:

**METHOD FOR DETERMINING POLYMORPHISM**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR
- ☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.99(b))

Docket No.

15111

In Re Application: Kunio Hori, et al.

Serial No.

09/995,100

Filing Date

November 27, 2001

Examiner

Unassigned

Group Art Unit

2877

**METHOD FOR DETERMINING POLYMORPHISM****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:	
(Date)	
Signature	
Typed or Printed Name of Person Signing Certificate	

**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited on <u>2/27/04</u> with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Signature of Person
Peter I. Bernstein
Typed or Printed Name of Person

\*This certificate may only be used if paying by deposit account.

Dated: February 27, 2004

Peter I. Bernstein

Registration No. 43,497

SCULLY, SCOTT, MURPHY &amp; PRESSER

400 Garden City Plaza

Garden City, NY 11530

(516) 742-4343

PIB:dg

CC: